

United States Bankruptcy Court

Western District of Michigan

One Division Ave., NW

Room 200

Grand Rapids, MI 49503

IN RE: Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Steven D. Kahler
4823 E. Serena Dr.
Tampa, FL 33617
SSN: xxx-xx-1288

Debtor(s)

Case Number 05-22138-jrh

Chapter 7

Honorable Jeffrey R. Hughes

NOTICE OF HEARING TRUSTEE'S MOTION TO SELL DEBTOR'S 1990 SUZUKI SAMURAI MOTOR VEHICLE

The above motion has been filed with the Bankruptcy Court. Your rights may be affected. **You should read these papers carefully and discuss them with your attorney. (If you do not have an attorney, you may wish to consult one.)**

If you want the court to consider your views on this matter, attend the hearing scheduled to be held before the Hon. Jeffrey R. Hughes on June 1, 2006 at 1:30 pm at One Division Ave, N.W., 3rd Floor, Courtroom C, Grand Rapids, MI 49503

You or your attorney may wish to file a response explaining your position. Such response should be received at least three business days prior to the scheduled hearing. A copy should also be served upon the party who has filed the motion to his/her attorney. **Please refer to Administrative Order 2004-06 (Mandatory Electronic Filing), effective January 1, 2005, for practices and procedures for filing pleadings with the Court.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

PLEASE NOTE: NOTICE IS HEREBY GIVEN that the court may, in its discretion, orally continue or adjourn the above hearing on the record in open court. If this occurs, parties in interest will not be given further written notice of the continued or adjourned hearing. If an entity is not present at the originally scheduled hearing, information regarding the time, date and place of an orally continued or adjourned hearing may be obtained at the Clerk's office from the court files or docket.

This Notice has been returned to Larry A. Ver Merris. It is Larry A. Ver Merris (s'/s) responsibility to ensure that service of this Notice and the referenced Motion is made upon the appropriate parties not less than twenty (20) days prior to the date of hearing. (sc)



DANIEL M. LAVILLE
CLERK OF BANKRUPTCY COURT

Dated: April 28, 2006

/s/ _____
Shelli Combs
Deputy Clerk

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

In the Matter of:

Steven D. Kahler,

Debtor.

Case No. HG 05-22138
(Chapter 7)
Case Filed: December 30, 2005

TRUSTEE'S MOTION TO SELL DEBTOR'S 1990 SUZUKI SAMURAI MOTOR VEHICLE

NOW COMES JAMES W. HOERNER, Chapter 7 Trustee herein, by and through his attorneys, Day & Sawdey, P.C., pursuant to the provisions of Bankruptcy Code § 363 and Fed.R.Bankr.P. 6004, and shows unto this Court as follows:

1. Your Movant is the duly-appointed, qualified and acting Chapter 7 Trustee in the above-entitled case, which was commenced by the Debtor through the filing of a voluntary petition for relief under Chapter 7 of the Bankruptcy Code on December 30, 2005.
2. Included among the assets in this estate is a 1990 Suzuki Samurai motor vehicle bearing VIN: JS4JC31C3L4101744. The Debtor has scheduled this motor vehicle as having a value of \$500.00, and it has not been claimed as exempt.
3. The Debtor, Steven D. Kahler of 2764 Scenic Drive, Shelby, Michigan 49455, desires to retain said motor vehicle and has offered to purchase the same, from the bankruptcy estate, for the sum of \$800.00 cash.
4. The aforesaid property will be offered for sale in bulk, in one lot, with bidding commencing at the amount of the bid of the Debtor; i.e., \$800.00. Thereafter, bidding will be in increments of no less than \$100.00, with the initial bid to be at least \$1,000.00.
5. The sale of such property is to be made on a cash basis with the successful bidder being required to tender to the Trustee the amount of the purchase price immediately after the sale has been approved by the Bankruptcy Court. Contingent bids will not be received.
6. The sale of the motor vehicle will be made on an "AS-IS, WHERE-IS" basis, without representation

or warranty, express or implied, of any kind, nature or description including, without limitation, any warranty by description or of merchantability, usability, or of fitness for any particular purpose. The seller shall not be required to inspect or test or report on the condition of the property being sold or of the existence of any possible defects in the same, although he understands that this vehicle is in need of a valve job. Further, no representation is made as to the road worthiness of this motor vehicle.

7. To the best of the Trustee's knowledge, information and belief, this motor vehicle is held free and clear of liens. As such, any lien would be in bona fide dispute pursuant to 11 USC § 363(d)(4), thus allowing a sale of the same to proceed. Consequently, the motor vehicle shall be sold free and clear of liens with the interest of any party asserting a lien or claim against such vehicle attaching to the sale proceeds in the same order of rank, validity and priority as they presently may exist against such property. All expenses of custody, protection and insurance of such property, as well as the expenses of sale, including administrative and all legal expenses of the bankruptcy proceeding relating to the protection and sale of such motor vehicle shall be charged against the sale proceeds with priority over all claims.

8. The Trustee shall have the right to refuse to recommend confirmation of any bid which does not, in his judgment, assure a reasonable monetary return to the estate. Prospective purchasers may make arrangements for examination and inspection of this vehicle by contacting Trustee's counsel, whose name and address appear at the foot of this Motion.

9. The successful bidder shall have ten (10) days to remove said property from its present location, whereafter any additional storage costs shall be the responsibility of the buyer. (This provision shall not apply to the Debtor.)

10. The Trustee will convey his interest in the motor vehicle by way of the execution of a Trustee's bill of sale and the execution of any appropriate motor vehicle certificate of title.

11. Your Movant believes the sale of the aforesaid motor vehicle to the Debtor, as aforesaid, or to such other party who may submit a higher offer thereon, is in the best interest of the creditors in this estate and

should be approved.

YOUR MOVANT PRAYS that creditors herein and other interested parties be ordered to object or otherwise show cause, on a time and date certain, why the afore-described motor vehicle should not be sold to the Debtor, on the foregoing terms, or to such other party who may make a higher bid thereon; why he should not be authorized and empowered to execute a Trustee's bill of sale, motor vehicle certificate of title, and any other documents as are necessary in order to transfer title and ownership of the motor vehicle to the highest bidder; and why he should not have such other and further relief as this Court might deem just, equitable and proper.

Dated: April 26, 2006

DAY & SAWDEY, P.C.
Attorneys for Trustee

By _____/s/_____
Larry A. Ver Merris (P-29093)

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